

Central Intelligence Agency



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Honorable Loren A. Smith, Chairman
Administrative Conference
of the United States
Washington, D.C. 20037

Dear Mr. Chairman:

I was pleased to receive your letter and the Recommendation and consultant reports stemming from the Twenty-fourth Plenary Session of the Administrative Conference on June 17, 1982. I noted that many of the recommendations of the Conference are contained in S. 1730 which is currently awaiting floor action in the Senate.

When the Department of Justice was drafting the Administration's proposal to amend the FOIA last year, a large part of which is incorporated into S. 1730 as reported by the Senate Judiciary Committee, there was discussion concerning the "submitter" provisions relating to the (b)(4) exemption. We were concerned that the definition of submitter might be broad enough to include an intelligence source, and that application of the provisions to submitters of information to an intelligence agency could jeopardize intelligence operations and security. Therefore, as reflected in the Administration's Bill, S. 1751, and S. 1730 as reported, the definition of submitter specifically excludes persons who submit information to an intelligence agency. As a general rule, any information of a (b)(4) nature which is submitted to the Central Intelligence Agency also falls within exemptions (b)(1) and (b)(3) as either classified or pertaining to intelligence sources and methods. If the CIA receives an FOIA request for information which falls within (b)(4) and which is not also exempt under (b)(1) and/or (b)(3), it is already the policy of the CIA to notify the submitter of the information of the request and to ascertain whether there are objections to a release of the submitter's information. During calendar year 1981, the CIA cited (b)(4) only once as a reason for withholding information pursuant to an FOIA request.

I wish to commend the Administrative Conference for demonstrating admirable leadership in meeting a recognized problem and seeking to mitigate it prior to any legislative resolution. I believe that the CIA already incorporates as a matter of policy those recommendations which are feasible for an intelligence agency.

Sincerely,

William J. Casey
Director of Central Intelligence

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